

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Nov 27, 2018**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: William Nathaniel Luke Case Number: 0980 1:15CR02009-SAB-1

Address of Offender: [REDACTED] Yakima, Washington 98901

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, U.S. District Judge

Date of Original Sentence: May 31, 2016

Original Offense: Felon in Possession of Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 28 months; Type of Supervision: Supervised Release
TSR - 36 months

Asst. U.S. Attorney: Ian Garriques Date Supervision Commenced: June 19, 2018

Defense Attorney: Federal Defenders Office Date Supervision Expires: June 18, 2021

PETITIONING THE COURT

To issue a warrant and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 11/01/2018 and 11/19/2018.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Mandatory Condition #2: The defendant shall not commit another federal, state, or local crime.

Supporting Evidence: Mr. Luke is alleged to have been arrested for fourth degree assault, Yakima Municipal Court cause number 8Z11292228, on November 22, 2018.

On June 20, 2018, supervised release conditions were reviewed and signed by Mr. Luke acknowledging his understanding of mandatory condition number 2.

According to the Yakima Police Department narrative report, officers responded to a domestic altercation call at the Cascade Apartments in room number 116. Upon arrival, the officers made contact with the alleged victim in the lobby of the apartments. The report indicated the victim had fresh swelling and was bleeding from her lower lip. The victim also had fresh blood wiped on her pants. The victim declined medical attention and she did not want to answer questions other than confirming she resides with her boyfriend in room 116. A witness, who is also a building security officer, reported hearing a verbal altercation between a male and female coming from room 116. The officers continued to question the victim regarding her injuries but she reported she could not remember how she got them.

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The victim advised she argued with her boyfriend regarding the laundry, but denied being assaulted by Mr. Luke.

A police officer then interviewed Mr. Luke and he confirmed he has been in a dating relationship with the victim for several months. He stated that prior to police arrival, he had been in a verbal only altercation with the victim. Mr. Luke had dried blood on his right cheek and also what appeared to be freshly dried blood on the left shoulder area. Mr. Luke denied being in a physical altercation with the victim. The report indicated that officers were not able to establish probable cause after the victim expressed feeling safe. Officers cleared the scene.

Later this same date, at approximately 0305 hours, officers again responded to the apartments after dispatch advised a security employee of the apartment complex had called back to report Mr. Luke was now chasing the victim on foot outside of the apartments. According to the reporting witness, the victim was yelling and screaming for help when chased by Mr. Luke.

Officers then made contact with the victim. She was wearing a hood. The incident report indicates she was attempting to avoid eye contact with the officers to possibly conceal injuries. The officer was able to shine his flashlight up toward her face and could see that the victim now had a bloody/swollen nose, which was an injury she did not have during the first contact. Her bottom lip was also much more swollen as compared to the first contact as well.

The officer who interviewed Mr. Luke reported that Mr. Luke was chasing after the victim to bring her back to the apartment because she had been drinking too much. The officer also noticed Mr. Luke had multiple, fresh bleeding scrapes on the back of his left hand. According to the report, Mr. Luke indicated he had been involved in a physical fight with other subjects prior to the first contact with police, but failed to provide further details about this "fight." The police report noted that at the time of the prior contact with Mr. Luke, he did not have the hand injuries. Mr. Luke again denied that he had been involved in any type of physical altercation with the victim.

Based on the officer's assessment, due to the victim having obvious fresh injuries since the initial contact with her, her scared demeanor, the fact that witnesses had seen Mr. Luke chasing after the victim while she was screaming for help, multiple inconsistencies in statements between both parties during initial contact with them, and Mr. Luke's fresh injuries and inconsistent statements in regard to how he sustained them, the report indicated officers believed there was probable cause that Mr. Luke assaulted the victim. Mr. Luke was advised he was under arrest for fourth degree assault and booked into the Yakima County Jail without bail.

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Special Condition #17: You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer) as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. Luke is alleged to have consumed alcohol on or before November 22, 2018.

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On June 20, 2018, supervised release conditions were reviewed and signed by Mr. Luke acknowledging his understanding of special condition number 17, which requires him to abstain from alcohol use.

On November 22, 2018, Mr. Luke was arrested regarding a fourth degree assault. He was initially transported to the Yakima Police Station for processing. While at the station, Mr. Luke submitted to a portable Breathalyzer test, which returned a reading of .015 blood alcohol content. Mr. Luke was then transferred to the Yakima County Jail due to Mr. Luke's admission of alcoholism and the risk of alcohol withdrawals.

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court, and that the Court issue a warrant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 26, 2018

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Offender to appear before the Judge assigned to the case.
- ☒ Offender to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

November 27, 2018

Date